

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHEVRON CORPORATION,

Plaintiff,

V.

STEVEN DONZIGER, et al.,

Defendants.

$$\begin{matrix} \mathbf{X} \\ \vdots \\ \vdots \\ \vdots \\ \vdots \\ \vdots \\ \vdots \\ \vdots \\ \mathbf{X} \end{matrix}$$

11 Civ. 0691 (LAK)

**DECLARATION OF JOHN A. SLAVEK IN SUPPORT OF
CHEVRON CORPORATION'S MOTION TO COMPEL LAURA MILLER TO
RESPOND TO POST-JUDGMENT DISCOVERY REQUESTS**

I, JOHN A. SLAVEK, hereby declare under penalty of perjury pursuant to 28 U.S.C.

§ 1746, that the following is true and correct:

Background

1. I am a Managing Director of Business Intelligence and Investigations at Kroll. I have been a Certified Public Accountant for approximately 23 years. I make this declaration in support of Chevron Corporation's ("Chevron") to Compel Laura Miller to Respond to Post-Judgment Discovery Requests.

2. I provided a Declaration of John A. Slavek in Support of Chevron Corporation's Motion to Hold Steven Donziger in Contempt of Court for His Failure to Comply with the RICO and Default Judgments and the April 16, 2018 Restraining Notice on September 30, 2018. Since providing that declaration, I have received and reviewed additional source materials.

Documents Reviewed and Relied Upon

3. Document productions from three different sources were reviewed and relied upon throughout the course of these analyses, as shown below.

#	Source	Bates # Prefix
1	TD Bank	TD Bank 000...
2	Citibank	CITI-000...
3	American Express	AMEX 000...

Analyses of Deposits and Transfers into the Donziger Personal Bank Accounts and Payments to Laura Miller from the Donziger Business Accounts

4. As noted on Exhibit 4-B of my September 30, 2018 Declaration, a net total of \$560,000.00 in Investor funds were either directly deposited into or transferred from business accounts to Donziger personal accounts at TD Bank.

5. In addition, a total of \$440,043.65 in payments were made to Donziger's wife, Laura Miller ("Miller"), from six Donziger Chase and TD Bank personal and business accounts via 17 wire transfers between May 2012 and June 2018. The first ten of these transfers were from Donziger personal checking or savings accounts; however, beginning in June 2017 there was a total of \$135,000.00 in payments to Miller from Donziger TD Bank business accounts via five wire transfers, as follows:

Date	Amount
June 19, 2017	\$50,000.00
August 9, 2017	25,000.00
September 11, 2017	25,000.00
March 5, 2018	20,000.00
June 11, 2018	15,000.00
Total	\$135,000.00

A complete schedule of the 17 payments to Miller is included at Exhibit 11 to this declaration.

**Analyses of Checks to Donziger, Endorsed by Donziger,
and Deposited into a Laura Miller Bank Account**

6. As noted above, the last transfer from a Donziger TD Bank business account to Miller occurred in June 2018. Beginning three months later, in September 2018, Donziger received six checks totaling \$66,086.75 from third parties. It appears that Donziger endorsed each check, then signed them over to Miller by writing “Pay to the order of Laura Miller” (or some variation thereof) on the back of the checks. These were then deposited into a Miller Citibank checking account, as shown below.

Date	Original Payor	Original Payee	Revised Payee	Amount
September 21, 2018	Argyle Knoxville	Steven Donziger	Laura Miller	\$5,000.00
October 10, 2018	Argyle Knoxville	Steven Donziger	Laura Miller	5,000.00
November 7, 2018	Argyle Knoxville	Steven Donziger	Laura Miller	50,000.00
November 7, 2018	Kathleen Mahoney LP	Steven Donziger	Laura Miller	727.08
January 14, 2019	Argyle Knoxville	Steven Donziger	Laura Miller	5,000.00
February 4, 2019	Ansbacher & Schneider	Steven Donziger	Laura Miller	359.67
			Total	\$66,086.75

7. Prior to these transactions, Donziger received 33 payments from the aforementioned third parties between April 2013 and December 2017. These 33 payments totaled \$131,267.96 and were all deposited directly into a Donziger TD Bank account. None of them were endorsed and signed over to Miller.

Analysis of Transfers from Laura Miller Bank Accounts to Unknown Accounts

8. As shown below, there were nine transfers out of Miller’s Citibank checking x6374, savings x7040, and savings x9107 accounts. The transfers occurred between July 14, 2011 and November 30, 2018 and totaled \$86,000.00. However, while there was, at most, one transfer out per year in the years prior to 2018, there were five transfers out in 2018, including four transfers in November 2018 alone.

Date	From Miller Account	To Unknown Account	Amount
July 14, 2011	Checking x6374	Unknown Checking Account	\$7,000.00
June 7, 2013	Savings x9107	Unknown Checking Account	15,000.00
June 3, 2014	Savings x9107	Unknown Checking Account	15,000.00
October 4, 2016	Savings x7040	Unknown Checking Account	8,000.00
June 5, 2018	Savings x9107	Unknown Checking Account	3,500.00
November 7, 2018	Checking x6374	Unknown Savings Plus Account	8,000.00
November 14, 2018	Checking x6374	Unknown Savings Plus Account	20,000.00
November 16, 2018	Checking x6374	Unknown Checking Account	5,000.00
November 30, 2018	Checking x6374	Unknown Checking Account	4,500.00
		Total	\$86,000.00

9. The last three transfers in November 2018 occurred after a \$100,000.00 wire transfer was received from George Waters into Miller's Citibank checking x6374, as discussed below.

10. No other financial institutions or account numbers were noted in the bank statement descriptions for the nine transfers. In addition, all of the transactions were performed online or at an ATM. As such, it is believed that the unknown accounts were additional Citibank accounts maintained by Miller.

Analyses of the Direct Deposit of Funds from a Known Ecuador Case Investor into a Laura Miller Checking Account

11. As noted on Exhibit 3-A of my September 30, 2018 Declaration, the initial post-RICO Investor payment was a \$50,000.00 deposit in January 2016 into one of Donziger's TD Bank personal checking accounts. The source of the \$50,000.00 payment was George R. Waters ("Waters"). As shown on Exhibit 3-A, Waters deposited \$150,000.00 directly into Donziger's TD Bank accounts in three separate \$50,000.00 deposits on January 25, 2016, February 14, 2017, and December 11, 2017.

12. Our review of the Citibank productions identified a fourth payment from Waters. However, this was a \$100,000.00 payment that was wire-transferred directly into Miller's Citibank checking account x6374 on November 13, 2018. [See attached CITI-0004615.]

13. Our review and analysis of the subsequent account x6374 statements revealed that the majority, if not all, of the \$100,000.00 deposit was spent on apparently personal items. This activity included the following:

- A \$20,000.00 online transfer to the previously noted unknown Savings Plus account one day later on November 14, 2018.
- Two online transfers totaling \$9,500.00 to the previously noted unknown Checking account on November 16 and 30, 2018.
- Four apparent monthly payments to Wells Fargo Home Mortgage totaling \$25,740.50 (the first three of these payments were made within six days of the \$100,000.00 deposit, on November 13, 16, and 19, 2018).
- Three apparent monthly payments to 245 West 104 St Housing Corp. totaling \$6,269.65 in December 2018, and January and February 2019).
- Eight cash ATM or teller withdrawals totaling \$16,742.00 in the approximate two-month period between November 13, 2018 and January 14, 2019.
- Two payments on Donziger's TD bank credit card on November 15, 2018 and December 20, 2018 that totaled \$12,763.42.

Analysis of Ecuador-Related Charges on Laura Miller Credit Cards

14. Our analyses of the Citibank and American Express productions identified a number of Ecuador-related charges on Miller credit cards.

15. Miller is the apparent sole holder of Citibank Citicard account x6943. Travel for Donziger to and/or from Ecuador was charged to this credit card on a least three occasions,

beginning with a March 1, 2013 American Airlines' charge of \$1,196.72 in airfare for Donziger from Mariscal Sucre International Airport in Quito, Ecuador to LaGuardia Airport in Queens, New York.

16. Additional Ecuador-related charges on Miller's Citibank credit card include the following:

- A September 5, 2014 American Airlines' charge of \$1,276.72 in airfare for Donziger from Queens, New York to Quito, Ecuador.
- September 17, 2017 American Airlines' total charges of \$542.14 in economy class airfare for M [REDACTED] D [REDACTED], \$644.45 in economy class airfare for Miller, and \$1,611.69 in business class airfare for Donziger for roundtrip travel from Queens, New York to Quito, Ecuador, and back to Queens, New York.
- September 24, 2017 charge of \$124.02 from the Hotel Patio Andaluz in Quito.

17. Miller is an authorized cardholder on multiple Donziger American Express credit card accounts. Ecuador travel-related expenses for Donziger were charged to a Miller American Express credit card on at least four occasions, beginning with August 20, 2012 United Airlines' charges totaling \$1,541.21 for airfare for Donziger from Quito, Ecuador to Newark, New Jersey.

18. Additional Ecuador-related charges on a Miller American Express credit card include the following:

- A February 27, 2013 charge of \$40.60 from the Baalbek restaurant in Quito.
- A February 28, 2013 charge of \$58.93 from the Hotel Araza in Quito.
- A March 2, 2013 charge of \$247.50 from the La Cuchara de San Marcos restaurant in Quito.

Change in Patterns of Financial Transactions Activity

19. Four of the five categories of transactions reviewed in this declaration involved analyses of banking activity at Donziger and Miller's TD and Citibank checking and savings accounts.¹ In all four of these categories, the patterns of transactional activity changed noticeably over the later periods under review, as discussed below.

20. The analysis of payments to Miller from the Donziger bank accounts showed that a total of \$440,043.65 in payments were made via 17 wire transfers between May 2012 and June 2018 (as shown on Exhibit 11). In the approximate five-year period between May 15, 2012 and May 31, 2017, there were ten of these transfers (roughly two transactions and an average total of \$56,008.73 per year). In addition, all ten of these transfers were from Donziger personal checking or savings accounts.

21. However, between June 2017 and June 2018, the transfer activity increased significantly, with seven transactions totaling \$160,000.00 during the 13-month period. Furthermore, in contrast to the earlier period, five of these seven payments to Miller came from a Donziger TD Bank business account instead of a personal account.

22. The second category of transactions is the analysis of checks to Donziger that were endorsed, signed over, and deposited into a Miller bank account. This analysis showed that, beginning in September 2018, Donziger received six checks from third parties totaling \$66,086.75 which were then signed over to Miller. The treatment of payments from third parties to Donziger was quite different prior to September 2018. During the period from April 2013 through December 2017, Donziger received 33 payments totaling \$131,267.96 from the same third parties. All 33 of

¹ The fifth category of transactions included in this declaration is an analysis of the charges on Miller's credit cards.

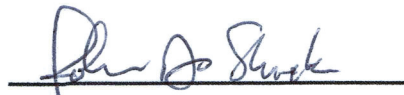
these payments were deposited directly into a Donziger TD Bank account and none of them were endorsed and signed over to Miller.

23. The third category of transactions that were analyzed was Miller's transfers of funds to unknown bank accounts. The findings in this area showed that there were nine such transfers totaling \$86,000.00 between July 2011 and November 2018. In the slightly more than five-year period between July 14, 2011 and October 14, 2016, there were four of these transfers totaling \$45,000.00 (an average of approximately \$9,000.00 per year). However, once again, the transfer activity increased significantly in later periods, with five transactions alone totaling \$41,000.00 in the six-month period from June through November 2018.

24. The fourth category that showed a notable change in a later period is the direct deposit of funds from a known Ecuador case investor into a Miller bank account. As noted in this section, the earlier investments from George R. Waters were three separate \$50,000.00 deposits directly into Donziger's TD Bank accounts in January 2016, and February and December 2017. However, the fourth and most recent payment from Waters was for \$100,000.00 and was wire-transferred directly into Miller's Citibank checking account in November 2018.

25. The reasoning behind many of these transactions and the altered pattern in financial activity is currently unclear. However, one certain effect is the reduction of available funds in the Donziger bank accounts and increasing available funds in Miller's bank accounts.

Executed on this 18th day of April, 2019 at New York, New York.


John A. Slavek